City of Rochester

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February 15, 2006

Judge John C. Ninfo, II
United States Bankruptcy Court
100 State Street
Rochester NY 14614

Re: James W. Cooper
BK-05-25256

Dear Judge Ninfo:

It appears that I had mistaken the return date for the hearing on this bankruptcy matter. The hearing was scheduled for the February 13 and I had calendered the 14th as the date of the hearing. The Court had stated that the object of the plan was to put the City in the same position it would have been in had the debtor completed the 2000 Chapter 13 plan. If the debtor had completed that plan the City would have been paid $32,149.11 which accounts for payments in the amount of $12,875.05. The debtor additionally owes 22,081.58 in taxes since the filing of the current Chapter 13 petition.

The correct amount that the debtor would owe the City for property taxes is $54,230.69. This figure is consistent with the tax amounts the City has provided to the Court throughout the ten years that this debtor has been under the protection of the Bankruptcy Court. The property was not valued in regards to the City property taxes and these taxes continued to increase due to interest throughout the pendency of the bankruptcy. During the previous Chapter 13 the City had obtained a order to lift the stay on the properties of the debtor which included Harris language.

The code violations on this property are all interior violations and are listed on the attached code violation list. The only other aspect of this case that requires the Court's consideration is how the City will hold the deed in the event the debtor does not make the plan payments.

EEO Employer/Handicapped

If the Court needs any additional information on 760-764 North Clinton from the City's perspective please contact my office.

Very truly yours,

s//John M. Campolieto

John M. Campolieto
Municipal Attorney

JMC/ccp
Enclosure
xc: David H. Ealy, Esq., Attorney for Debtor
George M. Reiber, Esq., Trustee

EEO Employer/Handicapped